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8 **UNITED STATES BANKRUPTCY COURT  
9 FOR THE DISTRICT OF NEVADA**

10 In re:	Case No.: BK-N-13-51237-GWZ
11 PAUL A. MORABITO,	Chapter 7
12 Debtor.	
13 JH, INC., JERRY HERBST, and BERRY- 14 HINCKLEY INDUSTRIES,	Adv. Pro. No. 15-05019-GWZ
15 Plaintiffs,	
16 v.	
17 PAUL A. MORABITO,	Hearing Date: February 28, 2019
18 Defendant.	Hearing Time: 10:00 a.m.

19 **NOTICE OF HEARING ON MOTION TO SUBSTITUTE PARTY PURSUANT TO  
FRBP 7025 AND 9014**

20 **NOTICE OF HEREBY GIVEN** that the *Motion to Substitute Party Pursuant to FRBP*  
21 *7025 and 9014* (the “Motion”) was filed on December 19, 2018, by Jerry Herbst (deceased), JH,  
22 Inc., and Berry-Hinkley Industries (together, the “Herbst Parties”). In the Motion, the Herbst  
23 Parties request that this Court allow for the substitution of Maryanna Herbst, as trustee of the  
24 Herbst Family Trust dated December 17, 2002 for the deceased, Jerry Herbst.

25 Copies of the Motion and any supporting declarations and exhibits are on file with the  
26 clerk of the United States Bankruptcy Court for the District of Nevada, Foley Federal Building  
27

1 and U.S. Courthouse, 300 S. Las Vegas Blvd, Las Vegas, NV 89101 or may be obtained by  
2 emailing Mark M. Weisenmiller, Esq. at the address listed above.

3 **NOTICE IS FURTHER GIVEN** that any opposition to the Motion must be filed  
4 pursuant to Local Rule 9014(d)(1).

5 **NOTICE IS FURTHER GIVEN** that if you do not want the Court to grant the relief  
6 sought in the Motion, or if you want the Court to consider your views on the Motion, then you  
7 must file an opposition with the Court, and serve a copy on the person making the Motion **no**  
8 ***later than 14 days*** preceding the hearing date for the Motion, unless an exception applies (see  
9 Local Rule 9014(d)(3)). The opposition must state your position, set forth all relevant facts and  
10 legal authority, and be supported by affidavits or declarations that conform to Local rule 9014(c).

11 If you object to the relief requested, you *must* file a **WRITTEN** response to this  
12 Pleading with the court. You *must* also serve your written response on the  
person who sent you this notice.

13 If you do not file a written response with the court, or if you do not serve your  
14 written response on the person who sent you this notice, then:

- 15 • The court may *refuse to allow you to speak* at the scheduled hearing; and
- 16 • The court may *rule against you* without formally calling the matter at the  
17 hearing.

18 **NOTICE IS FURTHER GIVEN** that the hearing on the Motion will be held before a  
19 United States Bankruptcy Judge, in the C. Clifton Young Federal Building, 300 Booth Street,  
20 Bankruptcy Courtroom No. 1, Reno, Nevada 89509, on **February 28, 2019, at the hour of**  
21 **10:00 a.m.**

22 DATED this 19th day of December, 2018.

23 GARMAN TURNER GORDON LLP

24 /s/ Mark M. Weisenmiller  
25 GERALD M. GORDON  
26 MARK M. WEISENMILLER  
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